

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

SHANE SMITH

PLAINTIFF

VS.

CIVIL ACTION NO. 3:13-cv-841(DCB)(MTP)

ANTLER INSANITY, LLC;
BYG OUTDOORS, LLC;
JOHN YOUNG;
SCOT GARLAND;
RANDY BUCKNER; and
DARRIN HOLT

DEFENDANTS

ORDER

This cause is before the Court on a motion to dismiss (**docket entry 12**) brought by the defendants, and on a motion to amend the complaint (**docket entry 34**) brought by the plaintiff. The defendants bring their motion pursuant to Federal Rule of Civil Procedure 12(b)(2) on grounds of lack of personal jurisdiction, and pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted. The plaintiff seeks to amend his complaint as a matter of right.

Although the plaintiff does not identify for the Court the particular amendments he wishes to make, he has attached his proposed amended complaint, and the defendants respond that they do not object to the amendment. In addition, a scheduling order setting a deadline for the amendment of pleadings has not been entered. The Court shall therefore grant the plaintiff's motion and deny the defendants' motion to dismiss without prejudice. The

defendants will be granted additional time to file an amended answer and to renew their original motion to dismiss or file an amended motion. Accordingly,

IT IS HEREBY ORDERED that the plaintiff's motion to amend his complaint (**docket entry 34**) is GRANTED, and the plaintiff is granted ten (10) days to file the amended complaint;

FURTHER ORDERED that the defendants' motion to dismiss (**docket entry 12**) is DENIED WITHOUT PREJUDICE;

FURTHER ORDERED that the defendants are granted twenty (20) days, from the date the amended complaint is filed, to file an amended answer and to either renew their original motion to dismiss or file an amended motion.

SO ORDERED, this the 23rd day of April, 2014.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE